

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA  
Western Division

**U.S.A. vs. Malcolm Dowdy**

**Docket No. 5: 05-CR-00013-1BO**

**Petition for Action on supervised release**

COMES NOW Erica W. Foy, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Malcolm Dowdy, who, upon an earlier plea of guilty to Conspiracy to Distribute and Possession With Intent to Distribute More than 50 Grams of Cocaine Base, 21 U.S.C. § 846; Distribution of a Quantity of Cocaine, 21 U.S.C. § 841(a)(1); and Possession With Intent to Distribute More than 5Grams of Cocaine Base and a Quantity of Cocaine, 21 U.S.C. § 841(a)(1), was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on October 18, 2005, to 320 months imprisonment. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 60 months.

On December 17, 2009, pursuant to an 18 U.S.C. § 3582(c)(2) motion filed by the defendant, his sentence was reduced to 256 months imprisonment.

On October 10, 2015, pursuant to a Rule 35 Motion filed by the government, his sentence was reduced again to credit for time served.

Malcom Dowdy was released from custody on October 14, 2014, at which time the term of supervised release commenced.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

On April 12, 2015, the defendant was charged in Montgomery County, North Carolina, with Driving While Impaired, Speeding, and Driving While License Revoked. Mr. Dowdy did not ask prior approval to leave the district and he admits that he consumed alcohol prior to driving a vehicle without a valid driver's license. Mr. Dowdy will participate in alcohol abuse treatment and has agreed to modify his conditions of supervision to include 60 days of home detention with electronic monitoring as a consequence for his violation. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that probation be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 60 consecutive days. The defendant shall be restricted to residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.

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Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

/s/Jeffrey L. Keller

Jeffrey L. Keller  
Supervising U.S. Probation Officer

I declare under penalty of perjury that the foregoing  
is true and correct.

/s/Erica W. Foy

Erica W. Foy  
U.S. Probation Officer  
310 New Bern Avenue Room 610  
Raleigh, NC 27601-1441  
Phone: 919-861-8665  
Executed On: June 24, 2015

#### **ORDER OF THE COURT**

Considered and ordered this 25 day of June, 2015 and ordered filed and  
made a part of the records in the above case.

Terrence Boyle  
Terrence W. Boyle  
U.S. District Judge